

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA
ROOM 211
FEDERAL BUILDING AND U.S. POST OFFICE
225 SOUTH PIERRE STREET
PIERRE, SOUTH DAKOTA 57501-2463

IRVIN N. HOYT
BANKRUPTCY JUDGE

TELEPHONE (605) 224-0560
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December 14, 2005

Lee Ann Pierce
Chapter 7 Trustee
P.O. Box 524
Brookings, South Dakota 57006

A. Thomas Pokela, Esq.
Attorney for Debtors
P.O. Box 1102
Sioux Falls, South Dakota 57101

Bruce V. Anderson, Esq.
Attorney for Wagner/Lake Andes Ambulance District
P.O. Box 425
Wagner, South Dakota 57380

Subject: ***In re Kevin L. Tronvold and Jolynn M. Tronvold***
Chapter 7; Bankr. No. 03-40373

Dear Counsel:

The matter before the Court is Trustee Lee Ann Pierce's Motion to Approve Settlement of Personal Injury Claim. This is a core proceeding under 28 U.S.C. § 157(b)(2)(A). This letter decision and accompanying order shall constitute the Court's findings and conclusions under Fed.Rs.Bankr.P. 7052 and 9014. As set forth below, Trustee Pierce's motion will be granted.

No party in interest objected to Trustee Pierce's motion. On September 29, 2005, Wagner/Lake Andes Ambulance District filed a response in which it stated it did not oppose the settlement but asked the Court to approve payment of its claim in full.¹ On October 4, 2005, Debtors filed a response in which they stated they did not oppose the settlement "in and of itself" but asked the Court to order Trustee Pierce to pay

¹ Wagner/Lake Andes Ambulance District filed a proof of claim for \$228.00 on May 31, 2005. On its proof of claim, Wagner/Lake Andes Ambulance District described its claim as unsecured.

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Wagner Chiropractic's bill from the settlement proceeds.²

At the November 8, 2005 hearing on Trustee Pierce's motion, Debtors' attorney asked for, and was given, an opportunity to submit authority in support of their argument that Trustee Pierce should be ordered to pay Wagner Chiropractic's bill from the settlement proceeds. By letter dated November 18, 2005, Debtors' attorney informed the Court he was unable to locate any such authority.

Nothing in the record suggests the Court should not approve Trustee Pierce's proposed settlement. The Court will therefore grant Trustee Pierce's motion. Questions regarding the proper distribution of the proceeds of that settlement may be addressed when Trustee Pierce files her final report.

The Court will enter an appropriate order.

Sincerely,

A handwritten signature in black ink, appearing to read "Irvin N. Hoyt", with a long horizontal flourish extending to the right.

Irvin N. Hoyt
Bankruptcy Judge

INH:sh

cc: case file (docket original; serve parties in interest)

² Wagner Chiropractic has not filed a proof of claim. It appears Wagner Chiropractic's claim arose post-petition.